

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Justin L. Victory,

Case No.: 2:25-cv-00605-JAD-EJY

**Plaintiff**

V.

Zach Conine,

## Defendant

## **Order Closing Case as Inadvertently Opened**

On April 2, 2025, the court received an application to proceed *in forma pauperis* from

plaintiff Justin L. Victory for a case against defendant Zach Conine. The court opened a case

<sup>11</sup> and filed the application to proceed *in forma pauperis* in that case.<sup>1</sup> The next day, the court

12 received a complaint from Victory for a case against defendant Zach Conine. Because the

13 complaint was received separately from the previously filed application to proceed *in forma*

14 pauperis, the court opened this case and filed the complaint at ECF No. 1-1. Victory then fil

<sup>15</sup> an application to proceed *in forma pauperis* in this case.<sup>2</sup>

Victory subsequently filed a document in Case No. 2:25-cv-00604-APG-DJA indicating

<sup>17</sup> that he did not mean to open two separate cases.<sup>3</sup> I take judicial notice of Victory's filing in that

case. In that filing, Victory suggests proceeding in this case because he has already filed both a

<sup>19</sup> complaint and an application to proceed *in forma pauperis* in this case.<sup>4</sup> But he states that he is

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<sup>1</sup> See Case No. 2:25-cv-00604-APG-DJA.

2 ECF No. 3.

<sup>23</sup><sup>3</sup> Case No. 2:25-cv-00604-APG-DJA at ECF No. 4.

<sup>4</sup> *Id.* at 2.

<sup>1</sup> “alright with either judge,” that he did not mean to litigate duplicative facts at the same time, and  
<sup>2</sup> that he apologizes for any confusion.<sup>5</sup>

When a plaintiff opens multiple cases for the same claims, as happened here, he must proceed with the first case that was opened. This is necessary to avoid the possibility that a plaintiff would open multiple cases to try and get a specific judge. Although it appears that Victory opened two cases completely by accident, rather than any attempt to get a specific judge, he must still proceed in the first case to avoid any appearance of judge shopping. Therefore, I instruct the Clerk of Court to close this case as inadvertently opened and to file Victory's complaint in Case No. 2:25-cv-00604-APG-DJA.

## Conclusion

11 IT IS THEREFORE ORDERED that the Clerk of the Court is directed to CLOSE  
12 **THIS CASE** as inadvertently opened and file the complaint (ECF No. 1-1) as a proposed  
13 complaint in Case No. 2:25-cv-00604-APG-DJA.

14 IT IS FURTHER ORDERED that plaintiff's application to proceed *in forma pauperis*  
15 [ECF No. 3] is DENIED as moot.

16 Dated: April 28, 2025

  
U.S. District Judge Jennifer A. Dorsey

5 Id.